

Salisbury, North Carolina
November 4, 2003

REGULAR MEETING

PRESENT:	Mayor Susan W. Kluttz, Presiding; Mayor Pro Tem, Paul B. Woodson, Jr.; Councilmen William (Bill) Burgin; William (Pete) Kennedy; Robert (Bob) Martin; City Manager, David W. Tremé; City Attorney, F. Rivers Lawther, Jr.; and City Clerk, Myra B. Heard.
ABSENT:	NONE

The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by Mayor Pro Tem Woodson.

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors and welcomed new employee Deb Young, who will serve as Facilities Manager.

PLEDGE OF ALLEGIANCE

- Perry Graham and David Jones with Boy Scout Troop 448, Coburn Memorial Methodist Church led those present in the Pledge of Allegiance to the United States flag.

PROCLAMATIONS

Mayor Kluttz proclaimed the following observances:

NAACP HARVEST BANQUET DAY	October 31, 2003
VETERANS DAY	November 11, 2003
NATIONAL GIS DAY	November 19, 2003
BED AND BREAKFAST WEEK	November 9-15, 2003

CONSENT AGENDA

- (a) Minutes

Approve Minutes of the regular meeting of October 21, 2003.

- Thereupon, Mr. Kennedy made a **motion** to adopt the Consent Agenda. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

ZONING TEXT AMENDMENT - BANKS AND OTHER FINANCIAL INSTITUTIONS

Mayor Kluttz recognized Councilman Burgin who requested to abstain from this issue due to a conflict of interest.

Thereupon, Mr. Kennedy made a **motion** to allow Mr. Burgin to abstain. Mr. Woodson seconded the motion. Messrs. Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (4-0)

- (a) Mr. Harold Poole, Senior Planner, told Council that he brought a favorable recommendation from the Planning Board to allow banks and other financial institutions as a permitted use in the Limited Office Institutional (LOI) zoning district.

Mr. Poole referred to a map showing the location of B-1, B-1-S, LOI, and LOI-S districts and noted there were very few LOI and LOI-S

districts. Mr. Poole stated that it did not seem inappropriate for a bank to be located in any of these areas.

Mr. Poole told Council that the Planning Board recommended approval as presented.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider "banks and other financial institutions, including loan and financial companies" to be a permitted use in the Limited Office Institutional Zoning District -LOI.

Those speaking in **favor** of the text amendment were:

Mr. Lane Yates, Yates Development, 123 North Main Street, told Council that the proposed location is suitable for a bank. He indicated the location will be very pleasing to all those in the surrounding area. Mr. Yates stated that he had spent a considerable amount of time and money to make sure the project will work. He added that he would appreciate adoption of the amendment by Council.

Since no one else was present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Kennedy made a **motion** to approve amending Appendix B, Zoning, of the Code of Ordinances of the City of Salisbury, North Carolina to make a change in the Section 8.23 Limited Office Institutional District to add the permitted use "banks and other financial institutions, including loan and financial companies". Mr. Martin seconded the motion. Messrs. Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, TO MAKE A CHANGE IN SECTION 8.23 LIMITED OFFICE INSTITUTIONAL DISTRICT (LOI) TO ADD THE PERMITTED USE "BANKS AND OTHER FINANCIAL INSTITUTIONS, INCLUDING LOAN AND FINANCIAL COMPANIES".

(The above ordinance is recorded in full in Ordinance Book No. 19, under Chapter XI – Zoning & Planning, at Page No. 67, and is known as Ordinance No. 2003-70.)

SPECIAL USE PERMIT - MS. JILL REID - CHILD DAYCARE HOME

(a) Mr. David Phillips, Interim Zoning Administrator, indicated this request was for a special use permit for a child daycare home for Ms. Jill Reid, to be located at 120 Randall Court. Mr. Phillips noted that the property is located at the end of a cul-de-sac in an existing subdivision. The residence is located on approximately two (2) acres.

Mr. Phillips told Council that the request received unanimous recommendation from the Planning Board. He noted that Ms. Reid will only have five (5) children at the site rather than eight (8) as allowed with the permit.

Mayor Pro Tem Woodson asked if there was any opposition to the request. Mr. Phillips replied that there was none.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider issuing a special use permit for Ms. Jill Reid, 120 Randall Court, to operate a child daycare home.

Since no one was present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Woodson made a **motion** to approve issuing a special use permit to Ms. Jill Reid, 120 Randall Court, to operate a child daycare in her home. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

STREET CLOSING - 2200 BLOCK OF ROBIN ROAD

(a) Ms. Wendy Brindle, Traffic Engineer, indicated that on October 7, 2003, Council adopted a resolution of intent to close the 2200 block of Robin Road. She noted that Catawba College is the sole property owner of all property surrounding the block. Ms. Brindle stated that the road will not be blocked but will become private. It will continue to serve as access for emergency personnel and there will be a twenty (20) foot easement reserved for ingress and egress for utility maintenance.

Mrs. Brindle stated that staff felt the closing is in accordance with General Statute 160A-299. It does not deprive any individual of reasonable means of access to their property and is not contrary to the public interest.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider closing the 2200 block of Robin Road.

Since no one was present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Burgin made a **motion** to adopt the RESOLUTION accepting the offer of dedication of the street. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION PERTAINING TO THE ACCEPTANCE OF AN OFFER OF DEDICATION FOR PUBLIC USE OF THE 2200 BLOCK OF ROBIN ROAD.

(The above resolution is recorded in full in Resolution Book No. 11, under Chapter XII – Miscellaneous, at Page No. 68, and is known as Resolution No. 2003-50.)

(d) Thereupon, Mr. Burgin made a **motion** to adopt the ORDER to close the 2200 block of Robin Road. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

NORTH CAROLINA	*	BEFORE THE CITY COUNCIL OF
ROWAN COUNTY	*	THE CITY OF SALISBURY
	*	NORTH CAROLINA
IN THE MATTER OF:	*	
	*	ORDER CLOSING STREET
CLOSING THE 2200 BLOCK OF	*	PURSUANT TO GENERAL STATUTE
ROBIN ROAD	*	OF NORTH CAROLINA SECTION
	*	160A-299

THIS CAUSE, coming on to be heard and being heard before the City Council of the City of Salisbury, Rowan County, North Carolina, at the regular meeting of said Council held on November 4th at 4:00 p.m., in the City Office Building at 217 South Main Street, Salisbury, North Carolina, and it appearing to the Council that all persons, firms and corporations owning property adjoining the street described in the Petition filed in this cause are parties to this proceeding; and it further appearing that said street is not maintained by the Department of Transportation; and it further appearing that notice of this hearing was duly published in THE SALISBURY POST on October 10, 17, 24 and 31st.

And it further appearing to the Council and the Council finding as a fact, that the closing of the street, as described in the Petition filed in this cause, is not contrary to the public interest or the property rights of any individual, and that no individual owning property in the vicinity of said street or in the subdivision in which they are located will be deprived of reasonable means of ingress and egress to his property by the closing of said street; and it further appearing to this Council that the relief prayed in the Petition should be granted.

IT IS NOW, THEREFORE, ORDERED AND DECREED by the City Council of the City of Salisbury, Rowan County, North Carolina, pursuant to and in accordance with the authority vested in this Council by the General Statutes of North Carolina, Section 160A-299:

BEGINNING at a new iron stake; said new iron stake being in the right of way of Summit Avenue; said iron stake is being further referenced as being North 52 degrees 45 minutes 14 seconds West 156.14 feet from an existing iron stake in the margin of right of way of Summit Avenue and common corner of Lot 1 and Block 8. Thence running with the right of way of Summit Avenue North 71 degrees 25 minutes 44 seconds West 50.00 feet to a new iron stake and corner South 71 degrees 25 minutes 44 seconds West 107.21 feet from an existing iron stake and corner in the margin of the right of way for North Park Drive.

Thence a new line North 39 degrees 50 minutes 04 seconds East 111.51 feet with an arc length of 112.18 feet and a radius of 297.16 feet to a new iron stake. Thence continuing North 50 degrees 38 minutes 56 seconds East 383.30 feet to a new iron stake and corner. Thence a line South 39 degrees 21 minutes 04 seconds East 50 feet to a new iron stake and corner. Thence continuing south 50 degrees 38 minutes 56 seconds West 383.30 feet to an iron stake and corner. Thence continuing South 40 degrees 54 minutes 26 seconds West 83.64 feet with an arc length of 84.05 feet and a radius of 247.16 feet to a new iron stake and corner in the margin of the right of way for Summit Avenue and the point of BEGINNING.

Said legal description is taken from a survey prepared by Shulenburger Surveying Co., PA, dated August 28, 2003, entitled "As-Built Survey for Catawba College".

Be and the same is hereby forever closed subject to a 20' easement centered on an existing gas line.

This the 4th day of November, 2003.

CITY COUNCIL OF THE CITY OF
SALISBURY, NORTH CAROLINA

BY: s/s Susan W. Kluttz
Mayor

 s/s Myra B. Heard
City Clerk

MUNICIPAL SERVICE DISTRICT INCENTIVE GRANT AND INNES STREET IMPROVEMENT GRANT

Mr. Pete Bogle, Chairman of the Salisbury Community Appearance Commission addressed Council concerning the first round of applicants for the Innes Street and Municipal Service District grant programs. Mr. Bogle reviewed the total amounts for the projects that have been awarded. The total amount of work done through the Municipal Service District grant program is \$301,900.00, with \$76,084.00 being done through the Innes Street grant program. Mr. Bogle indicated that there is another \$250,000.00 of work associated with pending applications for the grants.

Mr. Bogle thanked Council for funding the grants and noted that they are approaching \$750,000.00 worth of work that is being done in Salisbury because of these grants programs.

Mr. Bogle reviewed the grant projects that are underway. Innes Street Drug has a project total of \$264,000.00 and has been awarded \$5,000.00 from both the Innes Street and the Municipal Service District grant programs for façade renovation of their two store fronts.

Mr. Bogle noted three sign restoration projects:

- Salisbury Emporium 230 East Kerr Street
Project amount \$3,040.00
MSD Grant \$1,520.00
- Cheerwine Building 322 East Council Street
Project amount \$6,360.00
MSD Grant \$3,180.00
- Clayworks Building 118 North Lee Street
Project Amount \$2,750.00
MSD Grant \$1,375.00

Mr. Bogle stated that the Washington Building located at 118-120 North Main Street is undergoing a façade restoration and rear parking improvements. The two projects total \$25,750.00 and \$15,250.00. Grant funds have been provided from the Municipal Service District program in the amount of \$5,000.00 as well as \$2,500.00 from the Innes Street grant program.

Dairy Queen located at 1004 West Innes Street is undergoing paint restoration with a project total of \$1,834.00. They have been awarded \$917.00 from the Innes Street grant program.

Council Street Commons located at 118 East Council Street is undergoing a renovation of the rear façade at a project cost of \$59,000.00. Innes Street grant money has been awarded in the amount of \$5,000.00.

Mr. Bogle noted that, to date, the Municipal Service District grant allocation is \$22,000.00 with the amount awarded being \$16,075.00. The Innes Street grant allocation is \$25,000.00 with \$13,417.00 being awarded.

Mr. Bogle told Council that there are pending applications from the Freedman's Cemetery, Happy Traveler Inn, and 103 North Main Street.

Mayor Kluttz thanked Mr. Bogle for all of his work and for keeping Council updated.

NCDOT MUNICIPAL AGREEMENT - KELSEY SCOTT PARK/YMCA GREENWAY CONNECTOR, PROJECT E-4403

Mr. Dan Mikkelson, Director of Land Management and Development, addressed Council concerning a municipal agreement for the third phase of the Greenway. This phase will extend from Kelsey Scott Park to the parking lot of the Hurley Family YMCA, with a distance of approximately 1.1 miles.

Mr. Mikkelson indicated that the North Carolina Department of Transportation (NCDOT) is willing to pay up to \$400,000.00 for the project but any amount over that will be the responsibility of the City. Mr. Mikkelson stated that the project is currently under design with a consulting firm and the cost estimates will be in soon. He noted that he expects the \$400,000.00 from NCDOT to pay for 95%, if not 100%, of the project cost. Mr. Mikkelson stated that construction is scheduled for spring 2004 and if it is determined that City funding is required it will be worked into the budget request for the following year.

Thereupon, Mr. Woodson made a **motion** to approve the resolution authorizing the City Manager and City Clerk to execute a municipal agreement with NCDOT for the Kelsey Park/YMCA Greenway connector project. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MUNICIPAL AGREEMENT WITH NCDOT CONCERNING PROJECT E-4403, GRANTS CREEK GREENWAY, PHASE 3.

(The above resolution is recorded in full in Resolution Book No. 11, under Chapter XII – Miscellaneous, at Page No. 69, and is known as Resolution No. 2003-51.)

AWARD CONTRACT - ABANDONMENT OF TEN (10) MUNICIPAL WELLS IN ROCKWELL, N. C.

Mr. Matt Bernhardt, Assistant City Manager for Utilities, and Mr. John Vest, Deputy Utilities Director, addressed Council concerning a contract for well abandonment in Rockwell. Mr. Bernhardt indicated that the Utilities Department has been working on the project to extend a water supply line to the town of Rockwell to replace their well system. Mr. Bernhardt stated that the water line is in operation and the last part of the project is the elimination of the wells, as required by the State.

Mr. Bernhardt told Council that bids were solicited for the permanent abandonment of the wells and he recommends awarding the contract in the amount of \$65,900.00 to Charles Underwood, Inc. of Sanford, North Carolina. Mr. Bernhardt stated that this company has substantial experience in this field and has substantial work experience with the Utilities Department.

Mayor Pro Tem Woodson inquired about the process to close a well. Mr. Bernhardt explained that the equipment is removed and the well filled.

Councilman Burgin asked about the bid from Geologic Exploration and noted that even with the \$550.00 add-on per well, they seemed to be the lowest bid. Mr. Bernhardt replied that staff was not sure of the company's reason for the add-on and after discussions with the company, staff was not comfortable with the bid. He added that in the past the Utilities Department had only worked on one project with this company, but not a project of this type. He noted that they had done a great deal of work, in a wide range of areas, with Charles Underwood, Inc. Mr. Bernhardt stated that since Charles Underwood, Inc. had substantial experience and submitted a bid with no questionable items that might impact the final price, their bid was selected.

Thereupon, Mr. Burgin made a **motion** to award the contract to Charles Underwood Inc. for \$65,900.00 to close ten (10) abandoned wells in Rockwell. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

CAPITAL PROJECT BUDGET ORDINANCE FY2003-2004 - HIGHWAY 70 WATER AND SEWER LINE EXTENSION

Mr. Matt Bernhardt, Assistant City Manager for Utilities, and Mr. John Vest, Deputy Utilities Director, spoke to Council regarding water and sewer extension on Highway 70. Mr. Bernhardt noted that as required by state statute for the City's annexation area, the City has two (2) years to provide full water and sewer services to the annexation area. He reported that surveying work is done, designs are nearly completed and they are on schedule to have a finished design by December 2003 and obtain the necessary permits. Mr. Bernhardt stated that easement acquisition is underway and staff hopes to advertise for bids in January 2004, open the bids in February 2004, and begin construction no later than April 2004 in order to finish in time of the statutory limit.

Mr. Bernhardt asked Council's consideration for a capital project budget ordinance amendment in the amount of \$4,063,197.00 to cover the cost of the annexation project.

Councilman Kennedy asked if there was currently any water in the annexation area. Mr. Bernhardt replied that there is some water in the area and there is a mainline passing through the area on Highway 70. Mr. Vest added that there was some sewer and water in parts of Westcliff. Mr. Bernhardt noted there was at least one private system that will be replaced by the City's extension.

Thereupon, Mr. Woodson made a **motion** to approve the budget ordinance for \$4,063,197 for Highway 70 water and sewer line extension to the annexed area. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

HIGHWAY 70 WATER AND SEWER LINE EXTENSION, CAPITAL PROJECT ORDINANCE.

(The above ordinance is recorded in full in Ordinance Book No. 19, under Chapter II - Administration, at Page No. 43, and is known as Ordinance No.2003-71.)

BUDGET ORDINANCE AMENDMENT - APPROPRIATE PROCEEDS FOR THE PURPOSE OF CONSTRUCTING A SECURITY FENCE AROUND THE WATER TANK LOCATED STATESVILLE BOULEVARD AND JAKE ALEXANDER BOULEVARD

Mr. Matt Bernhardt, Assistant City Manager for Utilities, indicated that the utilities staff and right-of-way consultant have worked hard to create a win-win situation at the intersection of Statesville Boulevard and Jake Alexander Boulevard for the Salisbury Academy, the Utility Department, and the developer for CVS.

Mr. Bernhardt indicated that the Utility Department has a water tank in the area that needs a fence. He noted that the developer for CVS needed an access road across the Utilities' property to allow customers access from Jake Alexander Boulevard. He added that there was also a piece of property that Salisbury Academy wanted to purchase. Mr. Bernhardt told Council that staff was able to bring about a situation where Salisbury Academy purchased the property it wanted, the developer for CVS is getting a street across the Utilities' property, and Utilities is getting a fence around the water tank along with an easement to allow for maintenance. The developer for CVS has contributed \$10,000.00 towards the installation of the fence and Mr. Bernhardt asked Council to appropriate the proceeds towards that purpose.

Thereupon, Mr. Kennedy made a **motion** to amend the FY2003-2004 budget ordinance to appropriate proceeds from Colonial Salisbury, LLC in the amount of \$10,000.00. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING THE 2003-2004 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE PROCEEDS FROM COLONIAL SALISBURY, LLC.

(The above ordinance is recorded in full in Ordinance Book No.19, under Chapter II – Administration, at Page No. 44, and is known as Ordinance No.2003-72 .)

COMMENTS FROM THE CITY MANAGER

(a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from their October 28, 2003 meeting.

(b) Records Retention and Disposition Schedule

City Manager David Treme noted that on August 15, 1997 the Department of Cultural Resources issued a disposition schedule for municipal records. On January 20, 1998 City Council passed a resolution adopting that schedule. He informed Council that staff will bring the City into compliance with the schedule by January 1, 2004.

Mr. Treme noted that staff will comply with the schedule, which will require the disposition of old tapes and future audio/video tapes after the transcribed Minutes are approved. He indicated that there is a backlog of old tapes filling the storage area. Mr. Treme stated that once Minutes are approved they become an official part of City records and it is no longer necessary to keep the tapes. Mr. Treme indicated that there was no Council action required but he wanted to inform them that staff will bring the City's record retention policy into compliance with the state's disposition schedule. He indicated that this was a goal of the City Clerk and she is moving forward to bring the City into compliance on this issue.

MAYOR'S ANNOUNCEMENTS

(a) Park Avenue Community Center Grand Opening

Mayor Kluttz announced that the Park Avenue Community Center Grand Opening will be held November 12, 2003 from 4:00 p.m. to 6:00 p.m.

(b) N. C. Smart Growth Conference

Mayor Kluttz announced that the NC Smart Growth conference will be held November 5, 2003 from 9:00 a.m. to 5:00 p.m. and November 6, 2003 from 8:15 a.m. to 12:00 p.m. at the Salisbury Depot.

(c) Grant Creek Greenway

Mayor Kluttz announced that Rowan County will host a public open house and workshop concerning the Grant Creek Greenway on November 6, 2003 from 6:00 p.m. to 8:00 p.m. in the J. Newton Cohen, Sr. room in the Rowan County Administration Building.

(d) Project Safe Salisbury

Mayor Kluttz announced that Project Safe Salisbury has been awarded a two (2) year grant in the amount of \$26,101.20 for the first year and \$23,851.00 for the second year from the State of North Carolina Department of Crime Control and Public Safety, Division of Governors Crime Commission. She stated that the money will be used to fund a resource coordinator. Mayor Kluttz noted that this had been the missing key of what was needed to really make the program work.

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(e) Other Matters

Mayor Kluttz noted that it was election day and wished all candidates good luck and encouraged everyone to vote.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Burgin, seconded by Mr. Woodson. All council members agreed unanimously to adjourn. The meeting was adjourned at 4:30 p.m.

Mayor

City Clerk

